IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (PIL) NO.2128 OF 2005

Annasaheb R. Kunnure .. Petitioner.

Vs.

State of Maharashtra & Ors. .. Respondents.

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Mr. S.S. Lanke for the Petitioner.
Mr. V.M. Phal, Assistant Government Pleader for Respondent Nos.1 to 3.
Ms. Priti Purandare for Respondent Nos.4 to 6.
Mr. R.M. Sawant for Respondent No.7.
Ms. Swati Deshpande instructed by M/s. M.S. Bodhanwala & Co. for Respondent No.8.

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CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

8th March, 2006**.**

P.C. :

The Petitioner who is an advocate, Ex-Municipal Councilor and also a social worker has filed this Petition by way of a public interest litigation for the residents of Gautam Nagar area situated in Chembur, Mumbai. In this Petition he has prayed for a direction to Respondent No.4, the Mumbai Municipal Corporation to do their statutory duties as envisaged under the Mumbai Municipal Corporation Act, 1888 and also for a direction to Respondents 6, 7

and 8 to provide and make demarcation of the land where the water pipeline is to be laid. The grievance voiced in the Petition is to the effect that a decision of laying of water pipeline and also construction of proposed water elevated tanks be carried out for supply of water to Gautam Nagar, Chembur vicinity. Respondents 3 to 6 who are responsible for the completion of the said work have not carried out the work even though Respondent No.5 has already sanctioned budgetary provisions. On behalf of Respondents 4 to 6 an affidavit is filed wherein it is pointed out that a proposal for construction of suction tank and pumping arrangement was approved for providing water supply to Gautam Nagar, Panjarapol, Din Quarry Road, Chembur in the year 1994. However, the proposal could not be executed then as the land required for construction of suction tank, elevated tank and laying of delivery mains, which belongs to R. C. F. was not handed over by the R. C. F. It is further pointed out that the beneficiary residents did not form a registered association to take over and maintain the scheme. Moreover, now the area where this old scheme was proposed has been affected by proposed Anik Panjrapol Link Road. The affected residents will be rehabilitated by Project implementing authority i.e. Maharashtra State Road Development

Authority as per prevailing policy. It is also pointed out that the said association has constructed suction tank of 90,000 liters capacity. The work of strengthening the network is in progress. As major portion of Gautam Nagar Slum will now be rehabilitated due to Anik Panjrapol Link Road, the modified scheme now under construction will cater the need of remaining slum dwellers satisfactorily. Hence, the original scheme sanctioned in the year 1994 need not be revived.

The learned counsel appearing for the Mumbai Municipal Corporation stated that the construction of suction tank is almost completed and all the work shall be over within two months time. In view of this statement and the reply affidavit filed by Respondents 4 to 6, in our opinion, nothing further is required to be done in the matter as the original scheme sanctioned in the year 1994 cannot be revived when the area where the old scheme was proposed has been affected by proposed Anik Panjrapol Link Road and the affected residents are required to be rehabilitated by Project implementing authority. We however, clarify that the Petitioner will be at liberty to raise the dispute in regard to rehabilitation in appropriate proceedings. The Petition stands

disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,
J.